



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Appelquist et al. Art Unit : 1723
Serial No. 09 623,714 Examiner : Charles E. Cooley
Filed September 7, 2000
Title A SUPPORT DEVICE FOR SUPPORTING A SPINDLE AND A
CENTRIFUGAL SEPARATOR HAVING SUCH A SUPPORT DEVICE (AS
AMENDED)

BOX DAC

Commissioner for Patents
Washington, D.C. 20231

Repln. Ref: 03/06/2003 CKHLOK 0010131400
DAH:061050 Name/Number:09623714
FC: 9204 \$110.00 CR

PETITION UNDER 37 CFR §1.137(a)
TO REVIVE UNAVOIDABLY ABANDONED APPLICATION

Pursuant to 37 CFR §1.137(a) and in response to the Notice of Abandonment mailed 12 04 2002 (and received by applicant on 12 10 2002), applicant hereby petitions to revive the abandoned application. The application was abandoned for failure to "timely file a proper reply to the Office letter mailed on 15 April 2002." Applicant, however, submits that any delay was unavoidable as evidenced by the attached copy of:

1. a docket record prepared today by our docket clerk for this application, which record shows that the last communication between the Office and the applicant prior to the Notice of Abandonment was the timely mailing of applicant's response and extension request on 1 11 2002 to the previous Office Action mailed 9 11 2001 (see highlighted entry on the attached docket record). There is no entry for any subsequent paper received from the Office other than the Notice of Abandonment. Any such paper, if received, would have been docketed by our docket clerk and would have appeared on the attached docket record. A search of our file

Adjustment date: 03/06/2003 CKHLOK
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paper of 15 April 2002 was not received.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Thereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

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OFFICE OF PETITIONS

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Attorney's Docket No.: 09546-011001 US 51563
SB MW

Based on the foregoing evidence, the applicant submits that any delay was unavoidable since applicant did not have any opportunity to respond to the Patent Office's requirements within the set time period. Applicant still has not received the paper to which the Notice of Abandonment refers. Therefore, applicant requests that the abandonment be withdrawn and that the paper of 15 April 2002 be re-mailed to the applicant and a new period for response thereto be set. *See MPEP, Section 711.03(c) at 700-140 (8th Ed., August 2001), citing Delgar v. Schuyler, 172 USPQ 513 (D.D.C. 1971).*

Enclosed is a check for \$110 to cover the fee for this petition. Please apply any other charges or credits to Deposit Account No. 06-1050.

This is also a request for the refund of the above-identified fee(s) due to the unavoidability of the delay.

Respectfully submitted.

Date: 12/26/2002

Richard P. Ferrara

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